

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

DENNIS L. DOUGLAS : **DOCKET NO. 06-0554**

VS. : **JUDGE MINALDI**

**JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL
SECURITY** : **MAGISTRATE JUDGE WILSON**

ORDER

Before the court is the Commissioner's motion to dismiss for failure to state a claim upon which relief may be granted, Fed.R.Civ.P. 12(b)(6). [doc. # 4]. Defendant's motion relies on evidence outside of the pleadings. Accordingly, we will treat the motion to dismiss as a motion for summary judgment. Fed.R.Civ.P. 12(b). The parties shall have 15 calendar days from today to submit any additional briefs or competent summary judgment evidence addressing the issue(s) raised in the motion to dismiss.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on July 17, 2006.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE